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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Siskiyou)

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R-RANCH PROPERTY OWNERS ASSOCIATION,

Plaintiff, Cross-defendant and  
Respondent,

v.

ART BULLOCK et al.,

Defendants, Cross-complainants and  
Appellants;

RON BUCHER et al.,

Cross-defendants and Respondents.

C073461

(Super. Ct. No. SCSCCVCV  
12-000132)

After the trial court issued an order deciding one question in this case, which case includes a complaint and cross-complaint, defendants and cross-complainants Art Bullock and Jim Goguen filed notices of appeal. We conclude that the purported appeal

violates the one final judgment rule because the interlocutory order did not dispose of all causes of action in the trial court.<sup>1</sup> We therefore dismiss the appeal.

### BACKGROUND

R-Ranch consists of approximately 5,119 acres of recreational property in northern California owned jointly by the members of the R-Ranch Property Owners Association (Association) since 1979. The Association is governed by a board of directors and subject to bylaws. The board of directors consists of seven members of the Association elected for two-year terms, with four directors elected in even years and three in odd years. The bylaws provide for removal by recall of a director during that director's term by the vote of a majority of members. A recall election may be initiated by presentation to an officer of the Association of a petition signed by at least five percent of the members. The petition triggers a duty on the part of the board to conduct a recall election. If the board fails to act, the petitioning members may conduct the recall election.

In 2011, several members circulated petitions to recall four directors: Art Bullock, Jim Goguen, Roger Gifford and Brian Gallant. After receiving sufficient signatures to require a recall election, the petitioning members submitted the petitions to the directors; however, the directors claimed to find legal deficiencies in the petition and refused to act. The petitioning members therefore hired a third party, the Ballot Box, to conduct the recall election, which was held in January 2012. The result of the election was overwhelmingly in favor of the recall of the four directors.

The recalled directors continued to function as directors, so the petitioning members, on behalf of the Association, filed a complaint for injunctive relief. The trial court granted a temporary restraining order, restraining the recalled directors from

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<sup>1</sup> Because we do not reach the merits, defendants' joint request for judicial notice, filed on April 29, 2016, is denied.

exercising the authority of a director or officer. Eventually, a default was entered as to defendant Roger Gifford, and a motion to dismiss was granted as to defendant Brain Gallant, leaving Art Bullock and Jim Goguen as the sole defendants in the action.

Defendants Bullock and Goguen filed cross-complaints against the Association, alleging four causes of action: (1) declaratory relief determining of the validity of the recall election, (2) usurpation of office, (3) intentional interference with contractual relations, and (4) negligent interference with contractual relations. The cross-complaints also named the new directors (Ron Bucher, Mark Grenbemer, Timothy Caswell, and John Crosby) as cross-defendants.

The parties and the trial court agreed that the court would first hold a hearing and take evidence on the first cause of action in the cross-complaints concerning the validity of the recall election. After hearing and argument, the trial court ruled, on January 28, 2013, that the recall election was valid. On February 12, 2013, counsel for cross-defendants Bucher, Grenbemer, Caswell, and Crosby filed “Notice of Entry of Order (After Trial),” referring to the January 28, 2013 order.

On March 29, 2013, defendant Bullock and defendant Goguen each filed a notice of appeal from the order entered January 28, 2013. Nothing in the record reflects final resolution of plaintiff Association’s complaint for injunctive relief or cross-defendants’ second, third, and fourth causes of action.

## DISCUSSION

Because the order from which defendants attempt to appeal does not resolve all causes of action and is interlocutory in nature, it is not appealable. The one final judgment rule prohibits piecemeal appeals and requires disposition of all causes of action before a judgment may be appealed. (*Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725, 736.)

“The existence of an appealable order or judgment is a jurisdictional prerequisite for appellate review. [Citation.] . . . ‘Under California’s “one final judgment” rule, a

judgment that fails to dispose of all the causes of action pending between the parties is generally not appealable. (Code Civ. Proc., § 904.1, subd. (a); [citation].)’ [Citation.] A final judgment ‘ “terminates the litigation between the parties on the merits of the case and leaves nothing to be done but to enforce by execution what has been determined.” ’ [Citation.] [¶] In some instances, an order itself may be appealable. However, ‘[g]enerally an order is not a final order until the final judgment in the matter has been entered. “Unless otherwise provided by statute, an appeal lies only from a judgment that terminates the proceedings in the lower court by completely disposing of the matter in controversy [citations].” [Citation.] [¶] [When] there is no final judgment . . . , the issue is whether the order from which the appeal has been taken fits within an exception to the one final judgment rule codified in [Code of Civil Procedure] section 904.1. [Citation.]” (*Sese v. Wells Fargo Bank N.A.* (2016) 2 Cal.App.5th 710, 714-715.)

Defendant Bullock contends in his opening brief that the order is appealable as an injunction. (See Code Civ. Proc., § 904.1, subd. (a)(6); *PV Little Italy, LLC v. MetroWork Condominium Assn.* (2012) 210 Cal.App.4th 132, 142.) But the January 28, 2013 order simply declared that the recall election was valid. It is not an injunction; it does not order anyone to do, or refrain from doing, anything. Also, it does not resolve the remaining causes of action.

Defendant Goguen’s opening brief simply adopts defendant Bullock’s statement of appealability by reference.

We therefore conclude the January 28, 2013 order is not appealable and the purported appeal from that order must be dismissed. (*Sese v. Wells Fargo Bank N.A.*, *supra*, 2 Cal.App.5th at p. 712.)

## DISPOSITION

The appeal is dismissed. Plaintiff and cross-defendants are awarded their costs on appeal. (Cal. Rules of Court, rule 8.278(a)(2).)

NICHOLSON, Acting P. J.

We concur:

ROBIE, J.

HOCH, J.